

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
Bid Protest**

FMS INVESTMENT CORP. <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Nos. 18-862 <i>et al.</i>
v.)	
)	Judge Wheeler
THE UNITED STATES,)	
)	
Defendant.)	
)	

MOTION BY ALLTRAN EDUCATION, INC. TO INTERVENE AS DEFENDANT

Pursuant to Rule 24 of the Rules of the United States Court of Federal Claims (“RCFC”), Alltran Education, Inc. (“Alltran”) hereby moves to intervene in the above-captioned case. Although nearly all of the filings thus far are under seal, Alltran understands that the consolidated bid protests challenge the Department of Education’s (“ED”) cancellation of Solicitation No. ED-FSA-16-R-0009 and the procurement thereunder. Alltran was at all relevant times an active participant and interested party in that procurement. Alltran also understands that many of the Plaintiffs have requested temporary and/or preliminary injunctive relief preventing ED from recalling certain borrower accounts—accounts that, if recalled, may be reassigned to an existing contract held by Alltran. Thus, Alltran has a direct economic interest in both the Solicitation and the Plaintiffs’ requested relief in these consolidated protests.

RCFC 24(a)(2) allows a party to intervene as of right where the party “claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Here, for the reasons above, Alltran has direct and substantial interests at stake in this case and its disposition clearly

could impair those interests. Additionally, no existing party adequately represents Alltran's interests. Although the United States is a Defendant in this action, the United States does not share each of Alltran's interests, and will not adequately protect Alltran's interests. Accordingly, Alltran is entitled to intervene as of right in this protest.

Alternatively, permissive intervention under RCFC 24(b) would also be appropriate. For all of the reasons above, Alltran has a direct interest in this case, as well as claims or defenses that share with the main action common questions of law or fact. Moreover, Alltran's intervention is timely and will not unduly delay or prejudice the adjudication of the original parties' rights. Alltran is moving to intervene within one week of the filing of the consolidated protests, and prior to the June 26 conference in this matter. Accordingly, permissive intervention is also appropriate.

Alltran has notified the parties of its intention to file this motion to intervene, but has not yet heard back from all parties. Thus far, FMS Investment Corp., Windham Professionals, Inc. and Account Control Technology, Inc. have responded that they *will* oppose Alltran's motion. Pioneer Credit Recovery, Inc. has indicated that it does not oppose the motion.

June 25, 2018

Respectfully submitted,

s/ Daniel R. Forman

Daniel R. Forman

(Counsel of Record)

Crowell & Moring LLP

1001 Pennsylvania Avenue, NW

Washington, DC 20004-2595

Tel: (202) 624-2504

Fax: (202) 628-5116

DForman@crowell.com

Of Counsel:

James G. Peyster

Robert J. Sneckenberg

JPeyster@crowell.com

RSneckenberg@crowell.com

Attorneys for Alltran Education, Inc.

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**[PROPOSED] ORDER GRANTING
MOTION BY ALLTRAN EDUCATION, INC. TO INTERVENE AS DEFENDANT**

On June 25, 2018, Alltran Education, Inc. (“Alltran”) filed a Motion to Intervene as Defendant in the above-captioned case. For the reasons stated therein and for good cause shown, Alltran’s Motion is hereby GRANTED.

IT IS SO ORDERED.

THOMAS C. WHEELER
Judge

